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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,111

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Hyun-Jung Kim

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08/19/2008

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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WASHINGTON,, DC 20036

EXAMINER

MACILWINEN, JOHN MOORE JAIN

ART UNIT

PAPER NUMBER

2142

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,111

Applicant(s)

KIM, HYUN-JUNG

Examiner

John M. MacIwinen

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 5 - 7, filed 7/03/2008, with respect to Ahn in view of Lee, Pyo and Marjamaki not explicitly teaching all of the newly added limitation "the created PLD being created by correcting data that is different from a previously-stored PLD" has been fully considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kim (KR 2001045784).
2. Applicant's arguments see pages 6 - 7, filed 7/03/2008, with respect to Ahn in view of Lee, Pyo and Marjamaki not explicitly teaching where "the Node-B and the RNCs each of which is associated with a source RNC", Applicant's arguments as presented are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wallentin (US 2006/0234706 A1).
3. Applicant's remaining arguments have been fully considered but are not persuasive. Applicant argues on page 6 that Ahn does not teach the PLD "being transmitted to the Node-B and the RNCs each of which is associated with a source RNC". However, Ahn's Abstract clearly states "In BSM, the present invention **transmits PLD** about the newly increased **base station [Node-B] to the control station [RNC, or "radio network controller]** with IPC. It sets PLD of the newly increased base station [Node-B] to the control station" (Emphasis Added). Ahn's Abstract also teaches that "**PLD . . . was loaded into the increased base station**" (Emphasis Added). Ahn thus clearly teaches transmitting the PLD to the RNC, and shows that the PLD was received at the Node-B as it was loaded at said Node-B.

Furthermore, as was noted above, said claim was rejected in view of Pyo, which also shows transmitting said PLD (in the form on an ESF) to the Node-B. For example, Pyo, pg.

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4, lines 5 – 7 shows “the base station controller transmits the **extension specification file** [ESF] received as described above to the **base station** [Node-B]” (emphasis added). Pyo also states, in the Abstract, “**transmits ESF** as received **to the base station**” (emphasis added).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

For at least the reasons given above, Applicant's arguments are not persuasive.

4. Applicant continues on page 6 arguing Ahn, said arguments being unpersuasive for the reasons given above.

5. Applicant on page 6 also states that “Accordingly, even without regard to whether the PLD disclosed in Ahn is the same as the created PLD in claim 1, which the Examiner has correctly conceded that it is not (see pages 2 – 3 of the Office Action) . . .”. However, no such statement as made by the Examiner.

6. Applicant continues to argue that “Ahn still does not disclose . . . transmitting the PLD in a form of an extension specification file (ESF) to the Node-B and the RNCs each of which is associated with the source RNC requiring the created PLD”. Said argument was addressed above, and as was noted above: In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Applicant continues on page 8, arguing that in “Nowhere do the cited paragraphs specifically teach an ESF storing data to be updated in relation to received hardware

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formation information and data associated with the data that is different between the old PLD and the updated PLD." The Examiner agrees art cited in the previous office action does not teach all of the above citation with the newly added limitations, and thus as noted above, a new grounds of rejection has been made. Said rejection is discussed further below.

8. Applicant next argues that "the Examiner's assertion that Pyo teaches the specific ESF recited in claim 1 is, at best, a good 'guess', or in other words speculation made from a machine-translated document". However, Applicant has not provided support as for why a machine translated document fails to provide a prima facie case, and thus Applicant's argument is not persuasive.

9. Applicant continues with arguments that substantially repeat or rely on the reasoning and arguments addressed above. Said arguments are unpersuasive for the reasons given above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (KR 2002058347) in view of Lee (KR 2001019998), further in view of Pyo (KR 2002011547) and Marjamaki et al. (US 2003/0139141 A1), hereafter Marjamaki, further in view of Wallentin (US 2006/0234706 A1), and Kim (KR 2001045784).

12. Regarding claims 1 and 6, Ahn discloses a method and apparatus for updating identifier (ID) information of a Node-B, and resetting a UMTS radio manager (URM) system

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using the updated ID information of the Node-B in the URM system which manages the Node-B and a predetermined number of radio network controllers (RNCs) each containing a source RNC, said method comprising: a) using the URM system to create a processor loading data (PLD) of the Node-B that can be changed, and transmitting the created PLD the RNCs, and where the updated PLD is loaded into the Node-B (Abstract).

Ahn further discloses operating the Node-B and RNCs having received the creating PLD to update a previously stored PLD according to the received PLD (Abstract).

Ahn does not explicitly disclose resetting the Node-Bs and the RNCs upon receipt of the updated PLD, nor does Ahn show where the created PLD is in a form of an extension specification file (ESF). Ahn also does not explicitly show the PLD being transmitted to the Node-B, nor does Ahn explicitly show where the Node-B and RNC is associated with a source RNC.

Lee discloses well as resetting control stations (representing the claimed 'RNC') after the receipt of said PLD (Abstract, pg. 2 P15 – 17, pg. 3, P15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahn with that of Lee in order to ensure the RNCs are updated properly (by performing said reset) as well as to provide for a simple, non-disruptive way of increasing or decreasing the number of Node-Bs/base stations through a PLD update, which is further simplified through the use of a template structure for said PLD (Lee, Abstract).

Ahn in view of Lee do not disclose resetting said Node-Bs after the update.

Marjamaki discloses resetting the Node-B after an update ([0031]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahn in view of Lee with that of Marjamaki in order to

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provide for a method of resetting updated the Node-B/base stations after an update, which can be a required step in a successful update (Marjamaki, Abstract, [0031]).

Ahn in view of Lee and Marjamaki do not explicitly disclose using an EFS, wherein the ESF stores data to be updated in relation to received hardware format information and data associated with the data that is different between the old PLD and the updated PLD.

Pyo shows using ESFs, including where the ESF stores data to be updated in relation to received hardware format information and data associated with the data that is different between the old PLD and the updated PLD (Abstract, pg. 2 'The Purpose of Invention' section, paragraphs 2 and 5 - 10. Also, see specifically pg. 2 paragraphs 10 - 12, which states "ESF relation provides data to update the real PLD" and pg. 2, paragraphs 7 - 8, which states "ESF is specification for updating the PLD, and pg. 2, paragraph 5, which states "data related to the PLD is updated). Pyo also shows where the operating the Node-B and RNCs having received the PLD in the form on said ESF (pg. 4 lines 5 - 7, and Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahn in view of Lee and Marjamaki with that of Pyo in order to clearly specify the information being updated, as well as to provide a way to revert to the state before updating should a problem occur (Pyo pg. 2 'The Purpose of Invention' section, paragraph 8).

Ahn in view of Lee, Marjamaki and Pyo do show where the Node-B and RNCs require the updated PLD (Pyo, Abstract, Ahn, Abstract) but not explicitly show where the Node-B and RNCs are associated with the source RNC.

Wallentin shows where Node-Bs and RNCs are associated with a source RNC (Figs. 1, 2, [6-11]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahn in view of Lee and Marjamaki and Pyo with that of

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Wallentin in order to comply with protocol and standard configurations the UMTS environment (as shown in Wallentin, Fig. 2).

Ahn in view of Lee, Marjamaki, Pyo and Wallentin do show where data is updated, where said data is a PLD the form of an ESF (Pyo, Abstract) and where the data in the form of a PLD/ESF is an update (Pyo, Abstract) but do not explicitly show where the update of the said data includes correcting data that is different from the previously stored data.

Kim shows where updates include correcting data that is different from the previously stored data, specifically regarding updated PLD data (Abstract, pg. 2 paragraphs 2 – 9, 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahn in view of Lee and Marjamaki, Pyo and Wallentin with that of Kim in order to utilize an improved updating procedure, specifically regarding improving the handling and usage of said PLD (Kim, Abstract).

Ahn in view of Lee and Marjamaki, Pyo and Wallentin and Kim thus teach all of claims 1 and 6.

13. Regarding claims 2 and 7, Ahn in view of Lee, Marjamaki and Pyo, Wallentin and Kim further show operating the Node-B and the RNCs to transmit a response to a PLD reception operation in the URM system after the Node-B and the RNCs have received the created PLD (Wallentin, showing a Node-B ([0091]) and RNCs transmitting a response ([0019-0021, 0066-0068, 0091-0095]) after receiving an update (specifically when said response is a RESET ACKNOWLEDGE message [0019]).

14. Regarding claim 3, Ahn in view of Lee, Marjamaki, Pyo, Wallentin and Kim further show resetting the Node-B (Marjamaki, [0031]) using the updated PLD (Ahn, Abstract, The Structure and Function of the Invention), and then resetting the RNCs (Lee, Abstract, pg. 3

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P1-7, P15; Wallentin [0019-0021,0066-0068,0091-0095]) using the updated PLD (Ahn, Abstract, The Structure and Function of the Invention and Pyo, Abstract).

15. Regarding claim 8, Ahn in view of Lee, Marjamaki, Pyo, Wallentin and Kim further show wherein the RNCs reset the Node-B (Wallentin, Fig. 2 – 4A showing the RNCs and Node-B/base stations operating and exchanging messages, specifically in 4A the Node-B/base station being responsive to a 'CONNECTION RELEASE MESSAGE' from said RNC, thus teaching Node-B's/base stations being responsive to messages from RNCs) using the updated PLD (Ahn, Abstract, The Structure and Function of the Invention, Pyo, Abstract), and then reset the system using the updated PLD (where Wallentin's discloses resetting all needed elements [0037,0066-0068,0093-0095] as well as acknowledging via a RESET ACKNOWLEDGE message [0019-0021]).

16. Regarding claims 4 and 9, Ahn in view of Lee, Marjamaki, Pyo, Wallentin and Kim further show operating the Node-B and the RNCs to reset the system using the updated PLD (Ahn, Abstract, The Structure and Function of the Invention, Pyo, Abstract) and informing the URM system of a reset completion state of the URM system using the updated PLD (where Wallentin's discloses resetting all needed elements [0037,0066-0068,0093-0095] as well as acknowledging via a RESET ACKNOWLEDGE message [0019-0021]).

17. Regarding claims 5 and 10, Ahn in view of Lee, Marjamaki, Pyo, Wallentin and Kim further show Kim shows wherein the created PLD contains information associated with changed data from among a plurality of PLDs stored in the Node-B and the RNCs (Kim, Abstract, pg.2 P4-8 and pg. 3 P1-7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwain whose telephone number is (571) 272-

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9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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